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NEGRO GETS DEATH PENALTY

JOE VICKERS OF MUSKOGEE "GUILTY AS CHARGED."

His Crime Was Criminal Assault on a White Woman Near Wagoner. This Was the Second Trial on the Same Charge.

For the second time, Joe Vickers, the negro who criminally assaulted Mrs. Bessie Dunbar, a white woman, near Wagoner last June, was found guilty in the United States court.

Vickers has been on trial since Monday afternoon and the attorneys for the defense have made a stiff legal fight for Vickers against G. W. Robertson, who prosecuted for the government.

Wednesday the time of the entire day was consumed in arguing the case. At 5 o'clock the attorneys had finished and twelve jurors filed into the jury room, where they remained for less than half an hour. When they returned the foreman stated that they had found the defendant "guilty as charged."

When Vickers heard the verdict, which meant death, he uttered not a word and betrayed not the slightest emotion.

The fact that the jury made no recommendations whatever when the verdict was returned, means that Vickers will be sentenced to death by hanging.

Last June while the husband of Mrs. Bessie Dunbar was at work in the field on his farm near Wagoner, Vickers went to the house and assaulted her, threatening her life, having a Winchester rifle with him at the time. The woman was then dragged into the house and badly beaten, according to the testimony. For several days after Vickers was pursued by possees, both white and negro, heavily armed and finally captured in Kansas. He was later identified by Mrs. Dunbar.

The case was tried in the courts in this city last winter and Vickers convicted. The verdict was later set aside by a former judge.

Vickers, in the event he is hanged in Muskogee, will be the first man to be hanged in the western district. There were several hanged in this city in the old "bull-pen" or stockade before the western district was created.—Phoenix.

GETTING WIFE BY PROXY.

German Artist in Trouble for Trying to Assist a Friend.

Berlin, Jan. 11.—In these prosaic times an attempt to run away with a girl on behalf of a friend recalls the days of ancient chivalry. This has just happened, however, in Germany, the circumstances being as follows:

At the St. Louis World's Fair a German artist made the acquaintance of an American, with whom he soon became fast friends. The American, a well-to-do business man, was desirous of marrying, but complained he could not find a desirable wife. The German praised the domestic virtues of his countrywomen, with the result that the American asked for his friend's good offices to secure an introduction to such a paragon of perfection. The would-be marriage broker, on his return to Germany, mustered his acquaintances, and finally choose the 17-year-old daughter of a friend of Waldshut, Bavaria, as a prospective bride. The girl fascinated by the romance of the case, coupled with the wonderful stories she had read about America, consented. But her parents were not so easily satisfied, which did not prevent her running away with the matrimonial middleman. The couple were traced to Hamburg. The German is now in custody under a charge of abduction of a minor.

HER MOTHER WAS DYING.

Singer Held in Her Hand a Message While She Pleaded an Audience.

Sherman, Tex., Jan. 11.—The audience at the Sherman Opera House last night never dreamed that the singer, whose slowness in answering caused an increased encore, held a crumpled telegram in her hand announcing that her mother was dying. Yet this was the experience of Miss Elder, who left this morning for her home in Nashville, Tenn.

FOR REMOVAL OF RESTRICTIONS

Protest Made Against Secrecy of Department—Want Open Policy.

Washington, Jan. 11.—Webster Ballinger, of the firm of Dole & Ballinger, attorneys-at-law, of Washington, D. C., entered a vigorous protest at the interior department against the ruling of the secretary of the interior whereby all information with reference to the removal of restrictions upon allotted land and territory is made public only at the Muskogee office.

Following this protest representative Stephens of Texas introduced a resolution in the house calling upon the secretary of the interior to know why such a rule had been adopted. It is pointed out by Ballinger in his protest that these are and should be public records and that the policy of the department attempting to shroud in a cloak of secrecy this question, is the greatest aid and instrumentality to the perpetration of fraud. He asserts that if this information is made public here as soon as acted upon by the secretary, then instead of these lands selling at private sale for from twenty-five to fifty per cent of their actual value they will be sold under competitive bid and the allottee will receive a reasonable figure for his land.

Commissioner Leupp has the matter under consideration and the probabilities are that he will recommend to the secretary a modification of the present order.

SAYS BONDS ARE FORCED

SENSATIONAL DISCLOSURES IN BANK FAILURE.

After a Member of the Institution Succeeded the Props Fell—Bankers Investigating Committee Announces Opinion of Conditions.

Cleveland, Jan. 11.—The bankers committee which is investigating the affairs of the banking and brokerage firm of Denison, Prior and Co., which closed its doors following the suicide of L. W. Prior on Tuesday, made the following authorized statement late this afternoon:

"The examination of the books of the firm has not yet proceeded far enough to make any complete statement possible. Enough has been learned, however, to warrant the committee in stating that it is forced to believe that the firm of Denison, Prior and Co., is insolvent out to what extent we cannot as yet say.

"We are also convinced that a number of municipal bonds have been forged."

WAIT TILL EASTER.

Bishop Meerschaert's Station Will be Announced Then.

Oklahoma City, Okla., Jan. 11.—It will not be definitely decided whether Bishop Meerschaert will be transferred from this to take the place of Bishop Chapelle at New Orleans until Easter. This was the information given out by Father Lanslot here today. "It takes time to reach any determination in matters of this kind in Rome," said Father Lanslot, today, "and they are always careful in their deliberations. Bishop Meerschaert would be a good selection for the place, and yet we would like him to remain in Oklahoma. But it is not for we or he to choose. Whatever the word is that comes from Rome the same shall we abide by. However, Bishop Meerschaert will remain with us until Easter."

Bishop Meerschaert is spending a great deal of his time traveling over the territory, as his position requires, and does not remain in the city long at a time. Since moving to Oklahoma City he has made many warm friends here who will regret to see him removed.

Indian Died in Peace.

Tahlequah, I. T., Jan. 11.—Henry Stanton, a Cherokee fullblood died today. Stanton had been sick for some time and he had insisted that he must come to Tahlequah before he died. Finally he was brought to town and taken to the house of a relative. He had been there but a few hours when he laid down, folded his hands across his breast and died. He had told some of his intimate friends that he must die in the old Indian capital, where the Cherokees had first set their homes in the new country, and that his spirit could never rest in another world unless he died there.

THE TROUBLE ON THE TRAIN

BETWEEN FEDERAL OFFICIALS AND TRAVELING MEN.

The Officers Tell Their Side of the Story, Which is at Variance With the Other—Case Transferred to Pauls Valley.

In the United States Commissioner's court yesterday, Judge Pfeiffer presiding, the cases against Constable Bill Bailey charged with assault and Jailer Jackson of Pauls Valley charged with disturbing the peace, were called for trial. There were several witnesses on hand to testify in the cases.

Upon motion of defendant's attorney the cases were transferred to Pauls Valley where they will be tried on March 5th. The trouble has occurred in the Pauls Valley district the change of venue was granted.

Concerning the trouble which has attracted some attention on account of the prominence of the parties and the nature of the incident Jailer Jackson said "There are two sides to the question. I wish to state that my attention was attracted to a conversation between Constable William Bailey of Pauls Valley and a man named Perry regarding the president eating with a negro. I was asked by officer Bailey what I thought about it. I told him that I thought it was a lie; that I did not believe he had done any such thing. Perry then said that it was reported as such in the newspapers. I admitted this fact, but I told him that he looked like a man who would eat with a negro a good deal quicker than President Roosevelt would. Perry said, 'Who, me?' and I said, 'I meant you.' About this time the train pulled into Wynnewood and a drummer unknown to me, who up to that time I had not noticed, picked up his grip and started out and made the following remark: 'I will verify that statement,' alluding to Perry's statement and added: 'The president has a negro colony in Georgia that he visits and eats with frequently.' After this statement I started to him, but Bailey struck him first. He got off the train, so did we. As the train pulled out a man named Mitchell shouted from the car, 'That's right, pardner, stay with 'em, he did do it,' meaning that the president did eat with a negro."

"After we got on the train again I asked Mitchell what he meant by his statement and he said that he meant just what he said and I struck him with my fist. Bailey came between us and prevented any further trouble by throwing Mitchell back on the seat. As he was shoved back he made a move as I thought to reach for a gun and fully thinking that he intended to pull a gun I drew mine and stood there until I was convinced that he was not going to draw a weapon. I then replaced my gun. Bailey, Mitchell and myself then had a talk and agreed that it was a mistake, that he did not understand the situation when he spoke.

Mr. Jackson denies that any abusive language was used, saying that the published article to that effect was false. "As far as Mitchell was concerned he did not understand the situation or else he would not have been involved."

Constable Bill Bailey was appointed by Federal Judge Townsend and had strong backing for the place. He has enjoyed a good reputation as an officer and as far as can be learned has had no trouble in the past.

Officials here state that Jailer Jackson is a peaceable man and quite reserved. Some were inclined to think that Jackson was in the right.

Jackson is mentioned as an active candidate for the Pauls Valley post mastership.

IN PRISON AT MANILA.

Former Oklahoma Soldier Charged With Embezzlement of Funds.

Lawton, Okla., Jan. 11.—Word has reached Fort Sill that Lieut. Hugh Kirkman of the Eighth cavalry, now at Fort William McKinley in the Philippine Islands, has been arrested on the charges of embezzlement of government funds and forging the name of a relative to a check for \$600, and that he is in prison in Manila, having been recently arrested by the civil authorities at a social function. Lieut. Kirkman was stationed at Fort Sill before his transfer to the islands.

STATEHOOD INSURGENTS

NEED FIVE MORE TO CONSTITUTE A MAJORITY.

Babcock is Rustling for Them—All Kinds of Compromise Has Been Offered But Cannon is Immovable—Democratic Position.

Washington, Jan. 11.—Representative Babcock, leader of the republican statehood insurgents, today secured from unexpected quarters four new signatures to a paper pledging the signers to oppose the proposed rule prohibiting amendments to the statehood bill.

The insurgents are now fifty-one strong, and only, with the solid democratic strength lack five votes of having a clear majority of the house. The revolt against the administration and the speaker's dictatorial policy has assumed such proportions that the republican house program temporarily has been abandoned.

The insurgents have offered every conceivable compromise, even agreeing to vote for the Hamilton bill if Arizona was permitted to determine by a separate vote whether it would accept joint statehood. The democrats have offered to vote for the bill under like conditions, but the speaker will make no concessions whatever.

The democratic position was outlined today in a statement issued by Representative Lloyd of Missouri, a member of the committee on territories and the democratic whip, as follows:

"What Speaker Cannon seeks to do is to bring in a bill that unites the four territories into four states, and requiring only a majority of the votes of the two territories to ratify a constitution. Then it is expected to adopt a rule that no motion to amend the bill or to offer a substitute or to recommit shall be in order; that only one vote can be taken—that is, a vote of ayes or noes on the bill.

"The democrats have asked the opportunity to vote on Oklahoma and Indian Territory alone, and have pledged themselves if permitted to vote this way, to support that part of the bill. We have asked to eliminate Arizona, and we would favor the bill. We have agreed to vote for the bill if they would eliminate New Mexico. We have agreed to support the whole bill if they would insert one word 'each,' so that the consent of each of the territories of Arizona and New Mexico must be given. Thus far all of these overtures have proven of no avail.

"A bill for the admission of Oklahoma, Arizona and New Mexico passed the house by an almost unanimous vote in 1902 and was defeated in the senate by a filibuster led by Mr. Beveridge of Indiana. In 1904 a bill similar to the present one was forced through the house and was amended in the senate and then killed in conference. It now looks like the speaker of the house is determined that the present bill shall take the same course and will probably meet with the same fate.

"The speaker is insisting upon the present bill or nothing, and is using all of the power of his position to drive the house to support the bill. A majority at present is in favor of voting on the proposition separately and of treating Arizona and New Mexico justly. No one at present can tell the result, but there can be no doubt that the speaker is delaying statehood for Oklahoma and Indian Territory.

SEEKS AMERICAN PROTECTION.

Morales Will Likely Resign and Leave San Domingo.

San Domingo, Jan. 12.—Fugitive President Morales has sought refuge in the American legation here. Negotiations are now in progress with the object of including Morales to resign the presidency and leave San Domingo. It is claimed here that the step taken by Morales virtually puts an end to the disturbances.

Ardmore-Lawton Road.

Comanche, I. T., Jan. 11.—It is rumored that a railroad will soon be under construction from Ardmore, I. T., to Lawton, intersecting the Rock Island and the Oklahoma & Texas at this place. It is expected that by 1907 Comanche will have three railroads, each traversing the best country in the two territories.

AUTOMOBILE MAIL ROUTE.

Said to Be the First in United States. Established in New Mexico.

Roswell, N. M., Jan. 11.—What is claimed to be the first automobile route in the United States was started this afternoon between Roswell and Torrance, N. M., on the El Paso and Northeastern, the Rock Island and the Santa Fe Central, a distance of 110 miles. The schedule is eight hours from Roswell to Torrance seven, daily trips each way, including Sunday, will be made. The cost to the government will be about \$10,000 per year and the service will revolutionize the handling of mail from this section of New Mexico. With clear weather and good roads the trip can be made in four hours and thirty minutes. There is one automobile mail route in South America.

COWARDLY ASSASSINS.

Threatening Letters Received by Senator Heyburn and Others.

Washington, Jan. 11.—Some alarm is felt by the friends of Senator Heyburn of Idaho over a number of threatening letters received by him in the last few months.

Threatening letters also have been received by John C. Haney who appeared as the attorney for Governor Steunenberg, who was recently assassinated, before a congressional committee at the time of the investigation into the Idaho mining troubles.

PATRICK MAY BE INNOCENT

EVIDENCE AT HAND THAT HE DID NOT KILL RICE.

Hearing is Set for Monday—The New Testimony Will Show That Rice Died of Natural Causes—Jones' Talk While in Texas.

New York, Jan. 11.—Dr. Allan McLane Hamilton, whose petition asking Gov. Higgins to extend clemency in the case of Albert J. Patrick was sent to the governor last week, says the attorneys for the condemned man have evidence which they will present at the hearing on Monday to prove that William M. Rice was killed by neither Jones nor Patrick, but died of natural causes.

"Patrick's" counsel have evidence to show that neither Jones nor Patrick killed Rice, but that he died a natural death," said Dr. Hamilton yesterday. "Out of courtesy to the governor I can not give the names of the witnesses, but their testimony will convince anyone of Patrick's innocence.

"The lawyers are ready to give the testimony to the governor, either by affidavit or verbal oath, of at least eight witnesses to whom Jones, on his return to Texas, spoke of the conviction of Patrick. They will swear that Jones said he was no murderer and had lied because the district attorney had him in a corner and had accused him of having caused Rice's death by giving him mercury. They are ready to swear that Jones said he had invented the chlorform story to save himself and that Patrick was innocent."

INCENDIARY FIRES.

Organized Gang of Firebugs Try to Burn Canon City.

Canon City, Colo., Jan. 11.—The attempt last night to fire the big zinc smelter here, a two million dollar plant, makes the fifteenth attempt at incendiarism in Canon City in the past two weeks and convinces the citizens that an organized gang of firebugs is trying to burn the town. Three men were seen running away from the smelter and were fired upon by the guards, but escaped. Investigation disclosed the fact that a pile of combustible material had been placed inside the building and ignited and had the men succeeded in getting away unseen, no doubt the fire would have gained such headway before being discovered as to have made it impossible to extinguish before great damage had been wrought.

The town is up in arms and patrols of citizens and hired guards are on duty nightly. Electric lights have been strung through alleys and in outlying districts to aid in guarding property.

Investigating Police Graft.

St. Louis, Mo., Jan. 12.—The Board of Police Commissioners today began an investigation of alleged graft in the St. Louis police circles. Sensational developments are promised.

BLOODY FIGHT IN CAUCASIA

COSSACKS ATTACK ARMENIAN SEMINARY YESTERDAY.

The Killed and Wounded Number Three Hundred and Fifty—Attack Was Occasioned by Inmates Throwing Bombs.

Tiflis, Caucasasia, Jan. 12.—Nearly three hundred and fifty persons were killed or injured as the outcome of an attack made by Cossacks yesterday on the Armenian seminary here, following the throwing of two bombs from that institution at a passing patrol.

Four Cossacks were wounded and a boy killed by the explosion of the bombs. Troops subsequently shelled another Armenian house, where bombs and weapons were hidden, killing eight of the revolutionists.

PURSuing DYNAMITERS.

Diabolical Attempt Made to Annihilate Whole Family.

Gotebo, O. T., Jan. 11.—Sheriff Hart and deputies with a posse of neighbors organized to participate in the chase, are today headed for the Chickasaw Indian nation on the trail of the miscreants charged with attempting to murder George Coggeshal and family with dynamite two nights ago. The dogs barking awakened Coggeshal and wife, who immediately scented something burning. Upon investigation, the wife found a bundle on fire close to the house and threw it away as far as possible. When it struck the ground it exploded with great force, tearing a hole four feet in diameter, breaking the windows and damaging the house otherwise. All members of the family were severely shocked, but not seriously injured. The infernal machine was wrapped and tied in a gunny sack and tied on the end of a long oak pole.

WANTS HIS QUAIL.

Chickasha Man Replevins Birds and Seeks Damages.

Chickasha, I. T., Jan. 10.—Henry Ireton, the man who claims to have been back of A. S. Gray in the attempt to ship 600 live quail to Wichita, Kansas yesterday brought suit to replevy the quail and for \$100 damages.

In his plea he claims to be a citizen by blood of the Choctaw tribe or nation of Indians and that he had authorized A. S. Gray to ship to Chas. Payne, Wichita, Kansas, via the U. S. Express Co., ten coops of live quail containing 611; that they were shipped for breeding purposes only. He claims that defendants, B. H. Colbey, C. Madison and Tom Burk, had unlawfully seized and taken possession and are holding without authority of law, the same being worth \$200, and for detention of property plaintiff believes that he ought to receive \$100.

The quail was retained by Officer Burk, he giving bond for same, and the trial was set by Judge Payne for February 5th. In the meantime Officer Burk will take good care of the birds, which he hopes to be able to turn loose in time.

DEPUTY MARSHAL REMOVED.

John S. O'Bryan Succeeded by J. W. Rubble at Wagoner.

Muskogee, I. T., Jan. 11.—John S. O'Bryan, deputy marshal at Wagoner, has been removed from office because it is claimed, he left his post of duty without the knowledge of his chief, and for alleged failure to serve important papers sent to him and also failure to appear as a witness in an important government case at Muskogee. J. W. Rubble of Wagoner has been appointed to succeed O'Bryan. O'Bryan was placed under arrest today and brought to Muskogee under attachment from the court as a witness.

MRS. CHADWICK TO PRISON.

In Charge of Officer, Starts for State Prison.

Cleveland, Ohio, Jan. 12.—Mrs. Cassie L. Chadwick, escorted by a United States marshal, left this morning for the state penitentiary at Columbus to begin her sentence. There were no friends at the station to bid her goodbye. Shortly before the train left Mrs. Chadwick said: "I am going to try and be brave and keep up to the last."